

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JEFFREY PODELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:23-cv-1025-TSE-JFA
)	
LLOYD J. AUSTIN, Secretary of Defense, <i>et</i>)	
<i>al.</i> ,)	
)	
Defendants.)	
)	

NOTICE

Pursuant to this Court’s Order dated November 29, 2023 (Dkt. No. 68), Defendants, through their undersigned counsel, hereby respectfully submit this Notice in the above-captioned action.

As a threshold matter, the Court’s Order instructed the parties to provide a joint notice by 5 PM on December 8, 2023. *See* Dkt. 68 at 1. However, without informing counsel for Defendants of his plan to do so, counsel for Plaintiff filed a unilateral notice at 1:28 PM, noting that counsel “will only be in the office until noon on Friday, December 8, 2023.” *See* Dkt. 69. Plaintiff’s counsel did not inform Defendants’ counsel before filing his unilateral status report of his need to leave the office at noon on December 8, 2023. Therefore, Defendants’ counsel was in the process of preparing a draft to circulate to Plaintiff’s counsel with a 5 PM deadline for filing in mind. In addition, undersigned counsel for Defendants has been working consistently in an effort to attempt to reach a fair resolution of this matter, contrary to Plaintiff’s limited representations about correspondence received this week.

The Court's Order, *see* Dkt. 68 at 2, asked the parties to provide the following information, according Defendants provide as follows:

1. **Whether the parties have settled this case:** No, as of the filing of this Notice the parties have not settled this case. The parties have engaged in continued settlement negotiations and are committed to continuing those negotiations.
2. **Whether the parties believe a second settlement conference with Judge Anderson would be helpful:** Yes. Defendants hereby advise the Court that they are available and willing to participate in an additional settlement conference with Judge Anderson. Defendants have communicated with Judge Anderson, on December 8, 2023, and have requested Judge Anderson's availability for a second settlement conference in the next two weeks, or as soon as Judge Anderson's schedule permits.
3. **Whether the parties expect a prompt settlement, i.e., on or before December 25, 2023:** Defendants do not know whether the parties can ultimately agree upon a settlement, but certainly will work diligently in that respect and will gauge their efforts towards December 25, 2023.
4. **Any other matters relevant to prompt resolution of this action:** Defendants propose that they update the Court by December 15, 2023 as to whether they have been able to schedule a settlement conference with Judge Anderson and with any other matters relevant to prompt resolution of this action.

Dated: December 8, 2023

Respectfully submitted,

JESSICA D. ABER
UNITED STATES ATTORNEY

/s/

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